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OFFICE OF PETITIONS

In re Application of

Ozaki, et al.

Application No. 10/724,359

Filed: December 1, 2003

Attorney Docket No. OZAK19

DECISION ON PETITION

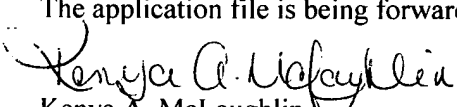
This is a decision on the petition under 37 CFR 1.137(b), filed March 8, 2006, which will be treated as a petition under 37 CFR 1.181(a) to withdraw the holding of abandonment.

The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is granted.

This application was held abandoned on October 12, 2005, after it was believed that no response was received to the non-final Office action mailed July 11, 2005. The non-final Office action allowed a shortened statutory period for reply of three months from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). A Notice of Abandonment was mailed on January 18, 2006, indicating that a reply to the non-final Office action was not received.

The instant petition maintains that an amendment responsive to the non-final Office action was timely filed on January 11, 2006, with a request for an extension of time within the third month. A review of the application file revealed that an amendment responsive to the non-final Office action was filed on January 11, 2006, and matched with the subject application. It appears that the application was improperly held abandoned as a response to the non-final Office action was filed prior to expiration of the statutory period for reply. The holding of abandonment is withdrawn, accordingly.

The application file is being forwarded Technology Center 1700, GAU 1731, for further processing.


Kenya A. McLaughlin
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Office of Petitions